

Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

LRB Number 09-1560/2	Introduction Number AB-0269
Description causing injury to a law enforcement officer while resisting or obstructing an officer or while attempting to flee and providing a penalty	
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs </div> </div> Local: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 33%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 33%;"> 5. Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Cities </div> </div> </div> </div>	

Fiscal Estimate Narratives

DA 3/30/2009

LRB Number	09-1560/2	Introduction Number	AB-0269	Estimate Type	Original
Description causing injury to a law enforcement officer while resisting or obstructing an officer or while attempting to flee and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

There is insufficient data with which to make a fiscal estimate that approximates the cost of enactment of this bill.

Long-Range Fiscal Implications

No long-range fiscal estimate is provided due to a lack of data.

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Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input checked="" type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village	
<input checked="" type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	
DOC/ Sue Loniello (608) 240-5524		Robert Margolies (608) 240-5056	
		Date	
		4/3/2009	

Fiscal Estimate Narratives

DOC 4/3/2009

LRB Number	09-1560/2	Introduction Number	AB-0269	Estimate Type	Original
Description causing injury to a law enforcement officer while resisting or obstructing an officer or while attempting to flee and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a new Class H felony (maximum confinement time 3 years and maximum supervision 3 years) when a person obstructs, resists or flees from a law enforcement officer and causes bodily harm.

Although the Department cannot predict the number of offenders who may be subject to this new criminal penalty or what the sentencing practices of the court will be, enactment of this legislation could result in increased costs to the Department.

In FY08 the annual cost of housing an inmate in a DOC institution was approximately \$30,300. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates was approximately \$4,600. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person. The annual cost for community supervision was \$2,400 in FY08.

Local county jails could see an increase in costs if offenders are sentenced to a county jail as a condition of probation for this new felony offense.

Long-Range Fiscal Implications

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<div style="display: flex; justify-content: space-between;"> <div style="width: 50%;"> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div style="width: 45%;"> Affected Ch. 20 Appropriations </div> </div>		
Agency/Prepared By DOJ/ Mark Rinehart (608) 264-9463	Authorized Signature Mark Rinehart (608) 264-9463	Date 8/14/2009

Fiscal Estimate Narratives

DOJ 8/14/2009

LRB Number 09-1560/2	Introduction Number AB-0269	Estimate Type Original
Description causing injury to a law enforcement officer while resisting or obstructing an officer or while attempting to flee and providing a penalty		

Assumptions Used in Arriving at Fiscal Estimate

Under Chapter 940.20 (2), whoever intentionally causes bodily harm to a law enforcement officer, fire fighter, or commission warden, acting in an official capacity and the person knows or has reason to know that the victim is a law enforcement officer, fire fighter, or commission warden, by an act done without the consent of the person so injured, is guilty of a Class H felony.

Under 2009 Assembly Bill 269, a person is guilty of a Class H felony if the person causes bodily harm to a law enforcement officer while the person is resisting, obstructing, fleeing from, or attempting to flee from the law enforcement officer.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since AB 269 broadens the types of activities that can be prosecuted as felonies, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department anticipates that any increased caseload would be relatively small and could most likely be absorbed with existing resources. However, if the increased caseload is significant, DOJ will need additional resources.

Long-Range Fiscal Implications

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Fiscal Estimate Narratives

SPD 3/26/2009

LRB Number	09-1560/2	Introduction Number	AB-0269	Estimate Type	Original
Description causing injury to a law enforcement officer while resisting or obstructing an officer or while attempting to flee and providing a penalty .					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill would create a new criminal offense, for causing injury to a police officer in the course of obstructing the officer, resisting the officer, or fleeing from the officer. Because the underlying course of conduct (obstructing, resisting, or fleeing) is a crime under current law, the effect of the bill would likely be that some cases would be charged as felonies (for the injury to the officer) rather than as misdemeanors (for the resisting or obstructing; fleeing cases are charged as felonies under current law). In fiscal year 2008, the SPD's average cost per felony was \$544.58, compared to an average cost per misdemeanor of \$217.54.

The SPD does not have data available to estimate the number of cases in which the new felony offense will be charged or to estimate in what percentage of those cases, a felony charge would be charged under current law. However, it is reasonable to assume that the new felony charge would result in some additional felony cases and would add to the complexity (and thus the attorney time required) of some other cases.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the counties may experience increased costs attributable to additional felony cases and cases of increased complexity. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications